

MICHIGAN SUPREME COURT



Office of Public Information

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NO MORE DELAYED APPLICATIONS, SHORTER TIME TO APPEAL TERMINATION OF PARENTAL RIGHTS DECISIONS UNDER NEW SUPREME COURT RULES

LANSING, MI, June 6, 2003 – New court rule revisions released today by the Michigan Supreme Court put an end to delayed applications for leave to appeal in that Court.

The revised rules also place a 28-day limit on the time to appeal a termination of parental rights decision from the Court of Appeals to the Supreme Court. A staff comment to the rules states that the reduced time to appeal is “in recognition of the adverse consequences of delay on the children involved in such cases.”

“While parties appeal in these cases, children are waiting for permanent homes,” said Chief Justice Maura D. Corrigan. “We must do everything possible to ensure that these children do not languish in procedural limbo.”

Other revisions deal with the time for filing applications for leave to appeal to the Court in civil and criminal cases. The rule amendments, which were released for public comment on April 17, 2002, and aired at a public administrative hearing on September 26, 2002, will take effect on September 1, 2003.

The amended rules include:

- **MCR 7.302(C)(1), (2), and (4).** The amended rule states that, in termination of parental rights cases, parties have 28 days to appeal to the Supreme Court from a Court of Appeals decision. The time limit is 42 days for civil cases and 56 days for criminal cases.
- **MCR 7.302(C)(3), 7.316(B).** Late applications for leave to appeal will not be accepted in the Supreme Court.
- **MCR 7.302(D)(2).** The amendment provides a 28-day limit for filing applications for leave to appeal as a cross-appellant.
- **MCR 7.205(F)(5).** A nonsubstantive change to this Court of Appeals rule adds a reference to MCR 3.993(C)(2), which sets the time limit for late applications in parental rights termination cases.
- **MCR 7.210, 7.215.** According to the staff comment, “[t]he language of [these Court of

Appeals rules] is adjusted to conform to the changes in the Supreme Court rules.

The full text of the rules may be viewed at

http://www.courts.michigan.gov/supremecourt/Resources/Administrative/1999-50_2000-27-060603.pdf

Court of Appeals Chief Judge William C. Whitbeck said that the Court of Appeals shares the Supreme Court's commitment to processing termination of parental rights appeals without delay. He said the Court of Appeals has already reduced the time for appeals of termination cases through measures designed to reduce delay at the Court of Appeals in all cases.

"We also have a number of proposals, apart from the new court rule revisions, that are specific to termination of parental rights cases," Whitbeck said. Recommendations include assigning court staff to oversee the progress of such cases on both the trial and appellate levels, the judge said.

Prompted by a national survey regarding processing of termination of parental rights cases, the Supreme Court directed the Court of Appeals to form a work group on the issue in September 2002. In its May 2003 report, the work group stated that "The Court of Appeals faces a serious problem with respect to the length of time it takes to receive and resolve dependency appeals, defined generally as those appeals involving a termination of parental rights (TPRs) and those involving custody of minor children."

In 2001, on average, such appeals were disposed of in 325 days from filing in the Court of Appeals, the work group noted. In the first quarter of 2003, dependency appeals were resolved in an average of 279 days. "Although this represents considerable progress, the overall average time to disposition is still not acceptable," the report stated. The work group's recommendations include a number of delay-reducing measures, including stiffer deadlines for appointing assigned counsel, ordering transcripts, and filing the claim of appeal. The report may be viewed at http://courtofappeals.mijud.net/pdf/Dependency_Appeals_Final_Report_May_2003.pdf.

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